

Remark

Applicant respectfully requests reconsideration of this application as amended.

Claims 1, 9, 29, 36 and 43 have been amended. Claim 6 has been cancelled. Therefore, claims 1-5 and 7-49 are present for examination.

Claim Objections

Claim 36 is objected to for a minor informalities. This has been corrected.

35 U.S.C. §112 Rejection

The Examiner has rejected claims 1-8, 9-28, 36-42 and 43-49 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. The class file and the bytecodes have been deleted as they did not persuade the Examiner to allow the case. For the record, the Examiner is respectfully referred to page 3, line 31.

35 U.S.C. §101 Rejection

The Examiner has rejected claims 9-28, 29-35, 36-42, 43 and 45-49 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claim 1, for example, has been amended to recite that the actions occur at a running system. The claim also explains that the transformed persistence package is stored in a storage device of the running system. The transformation and the storage provide tangible results sufficient to comply with Section 101. The same applies to claims 9, 29, and 37

Applicant notes for the record that this rejection should have been presented in the first Office action and that the MPEP cautions against piecemeal examination of this kind.

35 U.S.C. §103 Rejection

Manning in view of Morgenstern

The Examiner has rejected claims 1-3, 7-13, 15-20 and 22-23 under 35 U.S.C. §103(a) as being unpatentable over Manning, U.S. Patent Publication No. 2002/0103829, ("Manning"), in view of Morgenstern, U.S. Patent No. 5,970,490 ("Morgenstern").

Turning to the claim amendments, Applicant points out that previous amendments that did not persuade the Examiner to allow the application have been deleted. These amendments do not raise any new issues as these elements were not a part of the claims as originally filed.

Additions have also been made to the claims. "foreign to the running system" is found on page 11, line 19. "Transforms establish a storage format and/or "storage location" is found on page 7, line 6. "Description of the format of the persistent data" is described at page 11, line 22. Applicant respectfully submits that these amendments reflect features not present in the cited combination and accordingly, the rejection is respectfully traversed. For example, the XML documents require a specific program to parse the XML. This program is normally also able to edit, display, print, and convert the documents and style sheets, etc. The software is thus not foreign to the system.

Other 35 U.S.C. §103 Rejections

Manning, Morgenstern and other references

The Examiner has rejected the remaining claims under 35 U.S.C. §103(a) as being unpatentable over Manning, U.S. Patent Publication No. 2002/0103829, (“Manning”), in view of Morgenstern, U.S. Patent No. 5,970,490 (“Morgenstern”), in further view of a variety of other references. These rejections all rely on Manning and Morgenstern and are traversed on the grounds provided above.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
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